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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,831	04/16/2004	Sudhir Gondhalekar	007728 USAP01/DSM/HDP/CVD	9468
61285	7590	05/31/2006		EXAMINER
JANAH & ASSOCIATES, P.C. 650 DELANCEY STREET, SUITE 106 SAN FRANCISCO, CA 94547			ZERVIGON, RUDY	
			ART UNIT	PAPER NUMBER
			1763	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/825,831	GONDHALEKAR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rudy Zervigon	1763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 March 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3-11,13-15 and 17-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3-11,13-15 and 17-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 16 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 3-11, 13-15, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McMillin; Brian et al. (US 6,013,155 A) in view of Rohrberg; Roderick (US 3,604,889 A). McMillin teaches a replaceable gas nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) that is insertable in a gas distributor ring (170; Figure 2a,b; column 6; line 66 - column 7, line 18) of a substrate processing chamber (140; Figure 1; column 6; lines 44-65) and that can be shielded within the chamber (140; Figure 1; column 6; lines 44-65), the gas nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) comprising: a longitudinal ceramic body (180; Figures 12a,b; 13a,b) having a channel (conduit not labelled; Figures 12a,b; 13a,b) to direct the flow of the gas into the chamber (140; Figure 1; column 6; lines 44-65), the channel (conduit not labelled; Figures 12a,b; 13a,b) comprising an inlet to receive the gas from the gas distributor ring (170; Figure 2a,b; column 6; line 66 - column 7, line 18), and a pinhole outlet at the end of the channel (conduit not labelled; Figures 12a,b; 13a,b) to release the gas into the chamber (140; Figure 1; column 6; lines 44-65) – claim 1

McMillin further teaches:

- i. A nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) according to claim 1 wherein the ceramic body (180; Figure 1) is composed of aluminum oxide (column 6; line 66 - column 7, line 18), as claimed by claim 5

McMillin does not teach a second external thread to receive a heat shield. McMillin does not teach ceramic body (180; Figure 1) comprising a first external thread to mate with the gas distributor ring (170; Figure 2a,b; column 6; line 66 - column 7, line 18).

McMillin further does not teach:

- i. McMillin's nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) according to claim 1 wherein the pinhole outlet has a diameter  $d_o$ , and wherein the distance dst between the second external thread and the pinhole outlet is about 90  $d_o$  to about 140  $d_o$ ., as claimed by claim 1
- ii. McMillin's nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) according to claim 2 wherein do is from about 0.3 mm to about 0.4 mm, as claimed by claim 3
- iii. McMillin's nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) according to claim 2 wherein dst is from about 30 mm to about 55 mm, as claimed by claim 4
- iv. McMillin's nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) according to claim 1 wherein the ceramic body (180; Figure 1) is composed of aluminum nitride, as claimed by claim 6
- v. McMillin's nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) according to claim 1 wherein the ceramic body (180; Figure 1) tapers at an angle from about 35 to about 45° to the pinhole outlet, as claimed by claim 7
- vi. McMillin's nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) according to claim 1 further comprising a heat shield mounted on the second external thread, as claimed by claim 8

- vii. a heat shield for shielding a nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) extending into a chamber (140; Figure 1; column 6; lines 44-65) to introduce a process gas into the chamber (140; Figure 1; column 6; lines 44-65) through a nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) outlet, wherein the chamber (140; Figure 1; column 6; lines 44-65) defines a processing region therein and has a substrate support (130; Figure 2a) to support (130; Figure 2a) a substrate for processing in the chamber (140; Figure 1; column 6; lines 44-65), the heat shield comprising: a hollow member configured to be coupled with McMillin's nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) and having an internal dimension sufficiently large to be disposed around at least a portion of McMillin's nozzle (180; Figure 1; column 6; line 66 - column 7, line 18), the hollow member having an extension which projects distally of McMillin's nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) outlet and which includes a heat shield opening for the process gas to flow therethrough from McMillin's nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) outlet, as claimed by claim 9
- viii. The heat shield of claim 3 wherein the hollow member is cylindrical and has an internal cross-section which is larger than an external cross-section of McMillin's nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) by about an amount smaller than the thickness of the heat shield, as claimed by claim 10
- ix. The heat shield of claim 3 wherein the hollow member comprises a ceramic material, as claimed by claim 11
- x. The heat shield of claim 3 wherein the extension of the heat shield is sized to project distally of McMillin's nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) outlet

by a distance of between about a radius of McMillin's nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) and about a diameter of McMillin's nozzle (180; Figure 1; column 6; line 66 - column 7, line 18), as claimed by claim 9

- xi. a heat shield according to claim 5 wherein the ceramic material comprises aluminum oxide (column 6; line 66 - column 7, line 18) or aluminum nitride, as claimed by claim 13
- xii. a heat shield according to claim 6 wherein the extension projects distally by about 5 mm to about 8 mm, as claimed by claim 14
- xiii. the shielded gas nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) for a substrate processing chamber (140; Figure 1; column 6; lines 44-65) comprising: (a) a longitudinal ceramic body (180; Figures 12a,b; 13a,b) having a channel (conduit not labelled; Figures 12a,b; 13a,b) to direct the flow of the gas into the chamber (140; Figure 1; column 6; lines 44-65), the ceramic body (180; Figure 1) comprising a first external thread to mate with the gas distributor ring (170; Figure 2a,b; column 6; line 66 - column 7, line 18), a second external thread to receive a heat shield, the channel (conduit not labelled; Figures 12a,b; 13a,b) comprising an inlet to receive the gas from the gas distributor ring (170; Figure 2a,b; column 6; line 66 - column 7, line 18), and a pinhole outlet at the end of the channel (conduit not labelled; Figures 12a,b; 13a,b) to release the gas into the chamber (140; Figure 1; column 6; lines 44-65). (b) a hollow member configured to be coupled with the ceramic body (180; Figure 1) and having an internal dimension sufficiently large to be disposed around at least a portion of the ceramic body (180; Figure 1), the hollow member having an extension which projects distally of the

pinhole outlet and which includes a heat shield opening for the process gas to flow therethrough from the pinhole outlet, as claimed by claim 15

- xiv. McMillin's nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) according to claim 1 wherein the pinhole outlet has a diameter do, and wherein the distance dst between the second external thread and the pinhole outlet is about 90 do to about 140 do, as claimed by claim 15
- xv. The shielded gas nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) according to claim 15 wherein the hollow member is cylindrical and has an internal cross-section which is larger than an external cross-section of the ceramic body (180; Figure 1) by about an amount smaller than the thickness of the hollow member, as claimed by claim 17
- xvi. The shielded gas nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) according to claim 15 wherein the extension of the hollow member is sized to project distally of the pinhole outlet by a distance of between about a radius of the ceramic body (180; Figure 1) and about a diameter of the ceramic body (180; Figure 1), as claimed by claim 18
- xvii. the shielded gas nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) according to claim 15 wherein the ceramic body (180; Figure 1) and hollow member are composed of aluminum oxide (column 6; line 66 - column 7, line 18), as claimed by claim 19
- xviii. the shielded gas nozzle (180; Figure 1; column 6; line 66 - column 7, line 18) according to claim 15 wherein the ceramic body (180; Figure 1) and the hollow member are composed of aluminum nitride, as claimed by claim 20

Rohrberg teaches a double threaded gas nozzle (40; Figure 1) including a shield (22,20,24; Figure 1) for said nozzle.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace McMillin's gas nozzle with Rohrberg's double threaded gas nozzle and shield, inclusive, for Rohrberg to optimize the dimensions and materials of his apparatus.

Motivation to replace McMillin's gas nozzle with Rohrberg's double threaded gas nozzle and shield, inclusive, for Rohrberg to optimize the dimensions and materials of his apparatus is for uniformly distributing process gas over a process area as taught by Rohrberg (column 3, lines 51-66). Further, it is well established that changes in apparatus dimensions are within the level of ordinary skill in the art.(Gardner v. TEC Systems, Inc. , 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied , 469 U.S. 830, 225 USPQ 232 (1984); In re Rose , 220 F.2d 459, 105 USPQ 237 (CCPA 1955); In re Rinehart, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976); See MPEP 2144.04). Further, it is well settled that the intended uses of and the particular material used in a coating apparatus have no significance in determining patentability of apparatus claims. (Ex parte Thibault, 164 U.S.P.Q. 666 (Bd. Pat. App. 1969), MPEP 2116).

***Response to Arguments***

3. Applicant's arguments filed March 14, 2006 have been fully considered but they are not persuasive.
4. Applicant states that none of the cited prior art teach or suggest applicant's claim amendment limitation of "wherein the pinhole outlet has a diameter  $d_o$ , and wherein the distance  $dst$  between the second external thread and the pinhole outlet is about  $90 d_o$  to about  $140 d_o$ ." as claimed by independent claims 1, 9, and 15.

In response, the Examiner agrees, however, the Examiner clearly stated that it would ... for Rohrberg to optimize the dimensions and materials of his apparatus. As a result the Examiner concludes that the only difference between the claimed invention and the apparatus of the prior art is a recitation of relative dimensions of the claimed components. Further, it is well established that changes in apparatus dimensions are within the level of ordinary skill in the art.

*Conclusion*

5. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Rudy Zervigon whose telephone number is (571) 272-1442. The examiner can normally be reached on a Monday through Thursday schedule from 8am through 7pm. The official fax phone number for the 1763 art unit is (571) 273-8300. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to

the Chemical and Materials Engineering art unit receptionist at (571) 272-1700. If the examiner can not be reached please contact the examiner's supervisor, Parviz Hassanzadeh, at (571) 272-1435.



A handwritten signature in black ink, appearing to read "Parviz Hassanzadeh". Below the signature, the date "5/26/06" is written vertically.